

Message Text

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ACTION EUR-12

INFO OCT-01 ARA-14 ISO-00 CIAE-00 PM-05 INR-10 L-03
ACDA-12 NSAE-00 PA-02 SS-15 SP-02 USIA-15 TRSE-00
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SECDEF WASHDC
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SECSTATE FOR EUR/RPM; SECDEF FOR ASD(ISA) AND USDR&E/IP;
CNO FOR OP-098F/981F/374; NAVSEA FOR PMS-4078; CNM FOR
MAT-03

E.O. 11652: N/A
TAGS: OCON, NATO, MILI
SUBJECT: MEETING OF AC/141(PG/14), PROJECT GROUP 14 ON
EXPLOSION RESISTANT MULTI-INFLUENCE SWEEP SYSTEM (ERMISS).

REF: (A)MOD UK NAVY 131443Z FEB 78 (NOTAL), (B) CNO
222134Z FEB 78 (NOTAL), (C) PHONCON CNO (OP-098F) CDR
WALDREN/US MISSION NATO (CDR LUPER)
SUMMARY: THE PROJECT GROUP REJECTED THE PROPOSED CHANGES
TO THE MOU SUBMITTED BY THE U.S. FRANCE SHOULD INDICATE
ITS INTENTION TO SIGN THE MOU BY 3 MARCH 1978. THE NETHER-
LANDS SHOULD THEN BE ABLE TO INDICATE ITS INTENTION TO
SIGN. GERMANY WILL THEN RESTART THE SIGNING PROCESS IN
THE FOLLOWING SEQUENCE: FRG, UK, FR, NL, U.S. (IF THE
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U.S. IS PREPARED TO SIGN THE MOU IN ITS PRESENT FORM). IF
THE U.S. CANNOT SIGN THE MOU THE PROJECT WILL COMMENCE
AMONG THE FOUR EUROPEAN NATIONS, AND AMENDMENTS TO THE
MOU WILL BE NEGOTIATED AT SUBSEQUENT PG/14 MEETINGS TO
ALLOW THE U.S. TO JOIN AT A LATER TIME. END SUMMARY.

1. PG/14 MET AT NATO HEADQUARTERS 24 FEBRUARY 1978 TO

DISCUSS:

- A. PROCEDURES FOR ALLOWING FRANCE TO ENTER PG/14
- AS A PARTICIPATING PARTY

- B. THE UK PROPOSAL FOR A MODIFICATION OF SECTION
- III OF THE MOU

- C. MEANS FOR REVITALIZING THE ERMIS PROGRAM

U.S. REPRESENTATIVE WAS CDR R. F. ACKERMAN, USN, NAVSEA
PMS 4078, ASSISTED BY DR. J. D. FREW, ONRBRO LONDON.

2. SIGNIFICANT ITEMS OF INTEREST.

- A. FRANCE INDICATED THAT THEIR REVIEW OF THE MOU
WOULD BE COMPLETED EARLY NEXT WEEK AND THAT A MESSAGE WOULD
BE TRANSMITTED TO ALL INTERESTED PARTIES INDICATING THEIR
WILLINGNESS TO SIGN OR, MOST UNLIKELY, WHAT CHANGES WOULD
BE REQUIRED BEFORE FRANCE COULD SIGN. GERMANY WILL UNDER-
TAKE CHANGING THE MOU TO INSERT FRANCE AND DELETE BELGIUM
WHERE APPEARING.

- B. THE PROPOSAL BY THE U.K. TO INCLUDE ADDITIONAL
LANGUAGE IN SECTION III TO PRECLUDE OUTSIDE ENTITIES BEING
BROUGHT IN TO ASSIST IN NEGOTIATING ANY DIFFERENCES BETWEEN
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PARTICIPATING PARTIES WAS APPROVED, SUBJECT TO CHANGING
THE WORD "GOVERNMENTS" TO "PARTICIPATING PARTIES" IN THE
TEXT AS TRANSMITTED IN REFERENCE (A). THE U.S. DELEGATE
APPROVED THIS MINOR SECONDARY CHANGE DURING THE MEETING,
AND AN APPROVAL FROM THE UK WAS OBTAINED BY TELEPHONE
SUBSEQUENT TO THE FORMAL SESSION.

- C. DRAWING ON REFS (B) AND (C) AND PREVIOUS GUIDANCE,
THE U.S. REPRESENTATIVE READ A STATEMENT (TEXT IN PARA 4)
CONTAINING TWO PROPOSED CHANGES IN THE MOU, WHICH WOULD
MOST LIKELY RESULT IN THE ABILITY OF THE U.S. TO APPROVE
AND SIGN THE MOU. THESE TWO CHANGES WERE THE RESULT OF
A SERIES OF MEETINGS BETWEEN OSD OFFICE OF GENERAL COUNSEL
AND VARIOUS NAVY LAWYERS. PG/14 DID NOT ACCEPT THE
PROPOSED CHANGES BECAUSE:

- (1) THE EXISTING MOU (AS MODIFIED BY THE U.K.
- PROPOSAL) APPEARS TO BE TOTALLY ACCEPTABLE TO FOUR
- NATIONS AND THE PROGRAM CAN PROCEED MOST RAPIDLY
- WITHOUT REQUIRING FURTHER REVIEW AND APPROVAL ON THE
- PART OF THOSE FOUR NATIONS.

- (2) THE FEELING, AS EXPRESSED PRIMARILY BY THE
 - NETHERLANDS, THAT THE U.S. WOULD COME BACK WITH
 - FURTHER CHANGES TO THE MOU. COMMENT: NOTE CAVEAT
 - PARA 4.D FOR THE RATIONALE BEHIND THIS FEELING. END
 - COMMENT.
-
- D. AFTER RECEIPT OF THE FRENCH MESSAGE INDICATING
- ACCEPTANCE OF THE MOU, EACH NATION IS TO ADVISE THEIR FINAL
DECISION AS TO WILLINGNESS TO SIGN. GERMANY WILL THEN
START THE RE-SIGNING PROCESS. FROM A PRACTICAL STANDPOINT,

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ACTION EUR-12

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THE ACTUAL SIGNING PROCESS, AFTER THE MOU IS MODIFIED TO
INCLUDE FRANCE AND DELETE BELGIUM AS SIGNATORIES, SHOULD
TAKE SEVERAL MONTHS. THE U.S. IS LAST IN THE ORDER TO SIGN
AND THE U.S. MAY BE ABLE TO RESOLVE ITS INTERNAL LEGAL
DIFFICULTIES BY THAT TIME. THE PROJECT GROUP TASKED ALL
NATIONS TO STAFF THE U.S. PROPOSED CHANGES AND BE PREPARED
TO DISCUSS THEM WITH AUTHORITY AT THE NEXT MEETING OF PG/14.

- E. THE NETHERLANDS EXPRESSED A CONCERN WHETHER
THE U.S. WOULD INSIST ON HAVING A PART OF THE WORK SHARE
PRIOR TO THE TIME THE U.S. SIGNED THE MOU. THE U.S. DELE-
GATE RESPONDED THAT ONLY SIGNATORIES WOULD BE VOTING
MEMBERS OF PG/14 AND THUS THE WORK SHARE AGREEMENT, AS
PROPOSED BY THE PROGRAM MANAGER, WOULD BE APPROVED ONLY

BY THE SIGNATORY NATIONS.

3. U.S. ACTION ITEMS:

- A. PROCESS THE REQUEST FOR WAIVERS AND DEVIATIONS

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FROM APPLICABLE ASPR AND TITLE X, U.S. CODE, IN ORDER TO PERMIT SIGNING THE MOU IN A TIMELY MANNER.

- B. PROVIDE REPRESENTATIVES TO THE NEXT MEETING OF PG/14 AT KOBLENZ, GERMANY, WHEN CALLED, AFTER THE MOU BECOMES EFFECTIVE. IF THE U.S. HAS NOT YET RESOLVED ITS INTERNAL LEGAL PROBLEMS, AND THERE DOES NOT APPEAR TO BE A TIMELY SOLUTION, THEN STATUS AS AN OBSERVER NATION SHOULD BE REQUESTED.

4. BEGIN TEXT: U.S. STATEMENT ON SIGNING THE ERMIS MOU DTD FEBRUARY 24, 1978.

REFERENCE: (A) NATO BRUSSELS 021330Z FEB 78

- (B) MOD UK NAVY 131443Z FEB 78

- A. THE UNITED STATES WELCOMES THE DECISION OF FRANCE TO JOIN THE ERMIS PROGRAM AS ANNOUNCED IN THE REFERENCE (A) MESSAGE.

- B. THE UNITED STATES ACCEPTS THE PROPOSED MODIFICATION TO PARAGRAPH 2 OF SECTION III OF THE MEMORANDUM OF UNDERSTANDING AS SET FORTH IN THE REFERENCE (B) MESSAGE.

- C. AT THIS TIME THE UNITED STATES HAS NOT FULLY RESOLVED ALL THE LEGAL QUESTIONS REGARDING AUTHORITY TO SIGN THE ERMIS MOU IN ITS PRESENT FORM. UNDER EXISTING U.S. LEGISLATION, IT APPEARS THAT SOME CHANGES TO THE MOU WOULD BE REQUIRED BEFORE THE U.S. COULD JOIN THIS PHASE OF THE PROJECT. TWO REQUIRED CHANGES ARE:

- IN SECTION XVII, DELETE THE PRESENT

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- PARAGRAPH 2(C) AND INSERT THE FOLLOWING:

- "(C) EACH PARTICIPATING PARTY MAY
- REQUIRE THAT CONTRACTS WITH ITS NATIONAL
- CONTRACTORS SHALL COMPLY WITH LAWS AND

- REGULATIONS APPLICABLE TO PERFORMANCE OF
- THE CONTRACT IN ITS COUNTRY. EACH PARTIC-
- IPATING PARTY SHALL PROVIDE, FREE OF
- CHARGE, SUCH ASSISTANCE AS REQUESTED BY
- THE ERMISS PM AS MAY BE NECESSARY FOR THE
- NEGOTIATION AND ADMINISTRATION OF SUCH
- CONTRACTS."

- IN SECTION XVII, PARAGRAPH 5(B), LINE
- 6, DELETE ALL FOLLOWING THE WORD "PARTY"
- AND INSERT A FULL STOP.

-- D. AS OF THIS DATE, THERE IS NO GUARANTEE THAT THERE MIGHT NOT BE OTHER REQUIRED CHANGES. HOWEVER, ANY OTHER CHANGES WOULD BE SMALL AND NOT SUBSTANTIVE. WASHINGTON IS CURRENTLY VERIFYING THAT THE MOU, AS MODIFIED ABOVE, COMPLIES WITH U.S. LAWS, BUT WILL NOT BE ABLE TO PROVIDE A DEFINITIVE RESPONSE UNTIL NEXT WEEK. WE WILL INFORM ALL PARTICIPANTS, AS SOON AS POSSIBLE, OF ANY OTHER SPECIFIC CHANGES.

- E. IN THE EVENT THAT CHANGES TO THE MOU, MUTUALLY SATISFACTORY TO ALL NATIONS, AND ALSO ACCOMODATING THE REQUIREMENTS PRESCRIBED FOR U.S. PARTICIPATION UNDER U.S. LAW, CANNOT BE WORKED OUT, SUCH U.S. PARTICIPATION WOULD HAVE TO BE DEFERRED PENDING THE PASSAGE OF LEGISLATION GRANTING THE ADDITIONAL NEEDED AUTHORITY. DOD HAS DRAFTED,

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AND SUBMITTED TO THE PRESIDENT'S OFFICE OF MANAGEMENT AND
BUDGET FOR CLEARANCE, PROPOSED LEGISLATION WHICH, IF
ENACTED BY THE CONGRESS, WOULD AFFORD THE NEEDED AUTHORITY
TO ENTER INTO THE ERMIS MOU IN ITS PRESENT FORM. END
TEXT. GLITMAN

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